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Federal Communications Commission
Office of the Secretary

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

IN THE MATTER

Telephone Number Portability

CTIA Petitions for Declaratory Ruling
on Wireline-Wireless Porting Issues

CC Docket No. 95-116

To: The Commission

**COMMENTS OF LINDA WEST,
CONSUMER ADVOCATE**

Ms. Linda West respectfully submits the following comments to the Federal Communications Commission regarding Local Number Portability (LNP), as it applies to rural areas and Indian Reservations:

I am a member of the Federal Communications Commission Consumer Advisory Committee, and the Western Montana Telecommunications Consumers volunteer telecommunications advocacy organization. I reside in Ronan, Montana, on the Flathead Indian Reservation in Western Montana, and am a member of the Confederated Salish-Kootenai Tribes, and have a special interest in low income consumer issues, particularly as they impact Native Americans. I have reviewed the implications of the FCC's LNP orders, as they apply to rural areas and Indian country in Montana.

There are major problems with the FCC's policy on Intermodal Local Number Portability (ILNP), as they are applied in rural areas and on Indian reservations in the sparsely populated areas of our country. The majority of the Indian Reservations are located in rural America and are served by small ILECs with unique competitive, cost,

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universal service, and interconnection problems. I offer the following comments and observations for the Commission's consideration:

1. Implementing ILNP is extremely competitively biased and detrimental to the ability of small rural ILECs to effectively serve their community. It will not result in any tangible or foreseeable benefits for rural consumers. The result will be that the vast majority of rural consumers will be bearing the unnecessary and burdensome costs of implementing a Federal policy experiment.
2. The FCC has ordered all ILECs to implement ILNP where wireline customers can switch, upon request, their wireline telephone number to a wireless/mobile telephone network. However, this Order does *not* require the requesting mobile phone network to implement the reciprocal arrangement that fair play would logically require. This creates an inequitable competitive environment.
3. ILECs must have established local interconnection with cell phone networks to implement ILNP. When there is no interconnection, the only way for a call to be made from a wireline subscriber to a cell phone is for a "toll" call to be dialed (1+10 digits) which is completed by one of the IXC networks. This has numerous implications for LNP in rural communities. A call from a wireline subscriber to a ported number would have to be routed over an IXC network to successfully complete. Since the FCC Order precludes any rating changes and the IXC will not complete the call unless per minute toll charges are paid, (and access charges are paid back to the ILEC), this call is technically infeasible to complete because of the contradictions in the Order and the physical realities of the networks involved. Without a local interconnection, ILECs have no way of routing ported numbers to wireless carriers without using the toll networks. This would violate both the

FCC's requirement that calls be rated the same (locally) and the "same location" requirement of number portability in the Federal Act. Given these technical restrictions and legal limitations, ILECs cannot technically provide LNP in full compliance with FCC directives at this time.

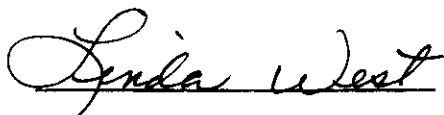
4. According to the definition of LNP "limited to retention of telephone numbers at the same location.. without impairment of quality, reliability or convenience", it seems logically impossible that wireline to wireless LNP can be legally ordered. Cell phones are inherently "mobile" and are able to function in many different "locations" (most now are able to make and receive calls nationwide and some in cities worldwide), where ILECs have limited calling areas.
- 5 Under the FCC's Order, each carrier must fund the cost of implementation from existing (or remaining) customers. The "cost causer" in this case is the requesting wireless carrier(s) and/or those subscribers who may choose to switch their number from the wireline carrier to a cell phone after implementation. Under this order, neither has any responsibility to pay anything to fund the ILEC implementation of this FCC mandate. Only the wireline users that choose *not* to switch their service will fund the costs of implementing this mandate. The customers that do not switch their telephone numbers will bear the entire costs of LNP, while the wireless carriers and the customer switching their numbers pay nothing.

The FCC needs to further investigate the ramifications of ILNP on rural consumers before enforcing an inflexible mandate that places an unreasonable cost burden on rural ILEC consumers who do not choose to port their numbers, and which creates a grossly

biased competitive landscape to the detriment of rural, low income and Native American consumers.

DATED: March 26, 2004

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Linda West", is written over a horizontal line.

Linda West

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